

## **RESPONSE AND REMARKS**

### **Allowable Subject Matter**

The Office Action identified Claim 25 as comprising allowable subject matter, and indicated that it would be allowable if rewritten in independent form to include all of the limitations of its base Claim and any intervening Claims.

The identification of Claim 25 as allowable subject matter is gratefully acknowledged with appreciation. Claim 25 has been amended to more distinctly claim the claimed invention. It is respectfully asserted that as amended, Claim 25 claims the limitations of its previous base Claim, Claim 1, and is in condition for allowance.

### **Claim Objections Under Section 112**

The Office Action rejected Claims 4 and 26 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Office Action, Topic No. 16, p. 7. In particular, the Office Action states that the Examiner was unable to find support in the specification for the following limitations:

Claim 4: “for an electronic mail piece tracking identifier for which no match is found, using the computer-based postage system for reporting an indication that there is no tracking information available for the particular first class mail piece.” Office Action, Topic No. 16a, p. 7;

Claim 26: “for a tracking identifier for which no match is found, indicating that tracking status information was not found for the particular first class mail piece.” Office Action, Topic No. 16b, p. 7.

### **Response to Claim Objections Under Section 112**

The rejections under Section 112, first paragraph have been carefully considered.

With respect to the Section 112 rejections of Claims 4 and 26, Claims 4 and 26 have been amended to more distinctly claim the claimed invention. It is

respectfully asserted that the amendments to Claims 4 and 26 resolve the Section 112 rejections of those Claims. It is respectfully asserted that reporting of an absence of tracking status information for a tracking identifier for which no match is found, as claimed in one way or another by amended Claims 4 and 26, is supported by the Specification as originally filed at page 19, lines 20-25 (See also, e.g., US2005/0144145 A1, ¶ [0080]).

Claim Rejections Under 35 U.S.C. 101

The Office Action rejected Claims 10 and 12 under 35 U.S.C. § 101, stating that “the claimed invention is directed to non-statutory subject matter.”

Office Action, Topic No. 17, pgs. 7-9.

Response to Claim Rejections Under 35 U.S.C. 101

The rejections under Section 101 have been carefully considered. The suggestions in the Office Action for amending the Claims to overcome the Section 101 rejections are gratefully acknowledged with appreciation. Claims 10 and 12 have been amended to more distinctly claim the claimed invention. It is respectfully asserted that the amendments to Claims 10 and 12 resolve the Section 101 rejections, and that Claims 10 and 12, as amended, are directed to statutory subject matter under Section 101.

Claim Rejections Under 35 U.S.C. 102 (e)

The Office Action rejected Claims 10, 12 and 18 under 35 U.S.C. § 102(e) as being anticipated by Montgomery, et al. (U.S. Application Publication No. 2003/0101143 A1; “Montgomery”). Office Action, Topic No. 18, pgs. 9-13.

Claim Rejections Under 35 U.S.C. 103

The Office Action rejected Claims 1-3, 5, and 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Montgomery in view of Baker, et al., (U.S. Patent Application Publication No. US 2004/0215478 A1, “Baker”), and further in

view of Watson, Neva, "Changes to the Domestic Mail Manual to Implement Confirm (R) – Service" ("Watson"). Office Action, Topic No. 19, pgs. 13-25.

The Office Action rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Montgomery in view of Baker, in further view of Watson and in further view of Leon (U.S. Patent No. 7,069,253; "Leon"). Office Action, Topic No. 20, pgs. 25-28.

The Office Action rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Montgomery in view of Baker in further view of Watson, and in further view of Denman (U.S. Patent No. 5,737,729; "Denman"). Office Action, Topic No. 21, pgs. 28-29.

The Office Action rejected Claims 13 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over Montgomery in view of Baker. Office Action, Topic No. 22, pgs. 29-32.

The Office Action rejected Claims 21-22 under 35 U.S.C. § 103(a) as being unpatentable over Montgomery. Office Action, Topic No. 23, pgs. 32-33.

The Office Action rejected Claim 23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Montgomery in view of Leon. Office Action, Topic No. 24, pgs. 33-38.

The Office Action rejected Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of Montgomery. Office Action, Topic No. 25, pgs. 38-40.

RESPONSIVE REMARKS REGARDING SECTION 102(e) and Section 103(a) REJECTIONS

The rejections of the Claims of the present application under Sections 102(e) and 103(a) have been carefully considered. Claims 1, 8, 10, 12, 13, 18, and 23-26 have been amended to more distinctly claim the claimed invention; Claims 11, 14 and 19-20 were previously cancelled.

Applicants dispute the rejections for the reasons previously given and the authorities previously cited in the previous Amendments and Responses by Applicant regarding the present application, which are hereby incorporated by reference herein.

In addition to the previously given reasons, and under the previously cited authorities, for the reasons given, and under the authorities cited below, it is respectfully asserted that none of the cited references, even when considered in combination, disclose, anticipate, teach or suggest all of the limitations of the amended Claims of the present application.

**THE CITED REFERENCES FAIL TO DISCLOSE THE LIMITATIONS BY THE AMENDED CLAIMS FOR TESTING THE TRACKABILITY OF A GENERATED IDENTIFIER AS CLAIMED IN ONE WAY OR ANOTHER BY INDEPENDENT CLAIMS 1, 8, 10, 13, 18 AND 24, AND AS CLAIMED IN ALLOWABLE CLAIM 25, AND THOSE CLAIMS AND THE CLAIMS DEPENDENT ON THEM ARE THEREFORE PATENTABLE**

It is respectfully asserted that none of the cited references disclose the limitations by the amended Claims for testing the trackability within a particular period of time of a preliminarily-generated identifier as claimed in one way or another by amended independent Claims 1, 8, 10, 12, 18, 23 and 24, and as claimed in allowable Claim 25.

Amended independent Claim 1, for example, claims:

using the computer-based postage system for testing a first class mail piece tracking identifier comprising a combination of a destination tracking service type, the next available mailing tracking subscriber identifier, the next available mailing identifier, and the delivery address identifier corresponding to the delivery address, to determine whether the first class mail piece tracking identifier would trackably identify the particular first class mail piece during a particular period of time ...

See *also*, e.g., Claims 8, 10, 12, 18, 23 and 24, and allowable Claim 25, for similar limitations.

**CONCLUSION**

In view of the foregoing amendments, and for the foregoing reasons and for the previously given reasons, it is respectfully asserted that the invention disclosed and claimed in the present application, as amended, is not fairly taught by any of the references of record, taken either alone or in combination, and that

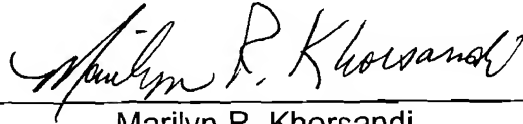
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Amendment and Response to Office Action Dated August 18, 2009

the application is in condition for allowance. Accordingly, reconsideration and allowance of the application as amended herewith is respectfully requested.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

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Marilyn R. Khorsandi  
Reg. No. 45,744  
626/796-2856